IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.41247 of 2008
RAM NANDAN PRASAD SON OF LATE MUNSHI LAL, RESIDENT OF JAI MAHAVIR COLONY, BAZAR SAMITI, P.S.-SULTANGANJ, DISTRICT-PATNA
Versus
STATE OF BIHAR
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2. 20.10.2008. Heard learned counsel for the petitioner and the State.

The petitioner is named accused of a case which has been registered under sections 420, 409, 467 and 468 of the Indian Penal Code. The informant is Under Secretary to the government. According to the allegation excess payment of Rs. 2,58,938.50 paise was made and the petitioner was responsible for that excess payment

The submission is that the petitioner was working as Assistant during the period 1992 to 1994. He retired as Section Officer on 30th September 1994. Nothing was paid on the order of the petitioner. He was not responsible for any purchase. At best this case may be of departmental proceeding and no criminal liability can be fixed against the petitioner. The petitioner being lower functionary of the department was not responsible for making order with regard to payment. The belated audit report also does not implicate the petitioner.

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Considering the facts and circumstances of the case, petitioner Ram Nandan Prasad is directed to be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Sri Umesh Kumar, Judicial Magistrate, Ist Class, Patna in connection with Sachivalay P.S.Case No.17 of 2007.

Md.S. **(Shyam Kishore Sharma,J.)**

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